

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-7 and 10 are pending in this application. Withdrawn claims 8 and 9 are herein canceled without prejudice. Claims 1-7 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,924,001 to Hama et al. in view of JP 10-258825 to Hidenori. Claim 1 was rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-9 of U.S. patent 6,924,001 in view of Hidenori. Those rejections are traversed by the present response as discussed next.

Addressing first the rejection of claims 1-7 and 10 under 35 U.S.C. § 103(a) as unpatentable over Hama et al. in view of Hidenori, applicants traverse that grounds for rejection and point out on the record that the applied art to Hama et al. does not form a proper basis for a rejection under 35 U.S.C. § 103(a). Applicants state on the record that the subject matter in Hama et al. and the claimed invention were, at the time the claimed invention was made, owned by the same entity or subject to an obligation of assignment to the same entity. Therefore, and as recognized in the Office Action,¹ the reference to Hama et al. is disqualified under 35 U.S.C. § 103(c), and thereby the outstanding rejection is overcome.

Addressing now the rejection of claim 1 on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-9 of U.S. patent 6,924,001, that rejection is traversed by the present response. Specifically, filed with the present response is a Terminal Disclaimer over U.S. patent 6,924,001, which is believed to overcome the outstanding obviousness-type double patenting rejection.

¹ Office Action of June 24, 2008, page 3, lines 12-14.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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